

(17) 25-percent payment

The term “25-percent payment” means the payment to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(Pub. L. 106-393, §3, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3894; amended Pub. L. 112-141, div. F, title I, §100101(a)(1), July 6, 2012, 126 Stat. 905.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106-393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Act of July 22, 1937, referred to in par. (7)(A), is act July 22, 1937, ch. 517, 50 Stat. 522, known as the Bankhead-Jones Farm Tenant Act, which is classified generally to chapter 33 (§1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables.

Act of August 28, 1937, referred to in par. (10), is act Aug. 28, 1937, ch. 876, 50 Stat. 874. Section 3 of the Act was classified to section 1181c of Title 43, Public Lands, prior to repeal by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Title II of the Act enacted section 1181f of Title 43 and repealed section 1174 of Title 43. For complete classification of this Act to the Code, see Tables.

The Act of May 24, 1939, referred to in par. (10), is act May 24, 1939, ch. 144, 53 Stat. 753, which enacted sections 1181f-1 to 1181f-4 of Title 43, Public Lands, and provisions set out as a note under section 1181f-1 of Title 43. For complete classification of this Act to the Code, see Tables.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993, referred to in par. (14), are sections 13982 and 13983 of Pub. L. 103-66, which were set out as notes under section 500 of this title and section 1181f of Title 43, Public Lands, respectively, prior to repeal by Pub. L. 106-393, title IV, §404, Oct. 30, 2000, 114 Stat. 1623.

PRIOR PROVISIONS

A prior section 3 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2012—Par. (11). Pub. L. 112-141 substituted “each of fiscal years 2009 through 2011” for “fiscal year 2009 and each fiscal year thereafter” in subpar. (B) and added subpar. (C).

SUBCHAPTER I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

§ 7111. Secure payments for States containing Federal land**(a) State payment**

For each of fiscal years 2008 through 2013, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

- (1) the adjusted share for each eligible county within the eligible State; by
- (2) the full funding amount for the fiscal year.

(b) County payment

For each of fiscal years 2008 through 2013, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

- (1) the 50-percent adjusted share for the eligible county; by
- (2) the full funding amount for the fiscal year.

(Pub. L. 106-393, title I, §101, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3896; amended Pub. L. 112-141, div. F, title I, §100101(a)(2), July 6, 2012, 126 Stat. 905; Pub. L. 113-40, §10(a)(1)(A), Oct. 2, 2013, 127 Stat. 544.)

PRIOR PROVISIONS

A prior section 101 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2013—Subsecs. (a), (b). Pub. L. 113-40 substituted “2013” for “2012” in introductory provisions.

2012—Subsecs. (a), (b). Pub. L. 112-141 substituted “2012” for “2011” in introductory provisions.

§ 7112. Payments to States and counties**(a) Payment amounts**

Except as provided in section 7113 of this title, the Secretary of the Treasury shall pay to—

- (1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

(B) the share of the State payment of the eligible county; and

- (2) a county an amount equal to the amount elected under subsection (b) by each county for—

(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

(B) the county payment for the eligible county.

(b) Election to receive payment amount**(1) Election; submission of results****(A) In general**

The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

(B) Failure to transmit

If an election for an affected county is not transmitted to the Secretary concerned by

the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

(2) Duration of election

(A) In general

A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

(B) Full funding amount

If a county elects to receive a share of the State payment or the county payment in 2013, the election shall be effective for all subsequent fiscal years through fiscal year 2013.

(3) Source of payment amounts

The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

(A) any amounts that are appropriated to carry out this chapter;

(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

(c) Distribution and expenditure of payments

(1) Distribution method

A State that receives a payment under subsection (a) for Federal land described in section 7102(7)(A) of this title shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

(A) the Act of May 23, 1908 (16 U.S.C. 500); and

(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) Expenditure purposes

Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

(d) Expenditure rules for eligible counties

(1) Allocations

(A) Use of portion in same manner as 25-percent payment or 50-percent payment, as applicable

Except as provided in subparagraph (D), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

(B) Election as to use of balance

Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of

the following with the balance of any funds not expended pursuant to subparagraph (A):

(i) Reserve any portion of the balance for projects in accordance with subchapter II.

(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with subchapter III.

(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

(C) Counties with modest distributions

In the case of each eligible county to which more than \$100,000, but less than \$350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

(i) reserve any portion of the balance for—

(I) carrying out projects under subchapter II;

(II) carrying out projects under subchapter III; or

(III) a combination of the purposes described in subclauses (I) and (II); or

(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

(D) Counties with minor distributions

In the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

(2) Distribution of funds

(A) In general

Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under subchapter II shall be deposited in a special account in the Treasury of the United States.

(B) Availability

Amounts deposited under subparagraph (A) shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation; and

(ii) remain available until expended in accordance with subchapter II.

(3) Election

(A) Notification

The Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2012, and each September 30 thereafter for each succeeding fiscal year.

(B) Failure to elect

If the Governor of an eligible State fails to notify the Secretary concerned of the elec-

tion for an eligible county by the date specified in subparagraph (A)—

(i) the eligible county shall be considered to have elected to expend 80 percent of the funds in accordance with paragraph (1)(A); and

(ii) the remainder shall be available to the Secretary concerned to carry out projects in the eligible county to further the purpose described in section 7122(b) of this title.

(e) Time for payment

The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(Pub. L. 106-393, title I, §102, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3896; amended Pub. L. 112-141, div. F, title I, §100101(a)(2), (3), July 6, 2012, 126 Stat. 905; Pub. L. 113-40, §10(a)(1)(B), Oct. 2, 2013, 127 Stat. 545.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3)(A), was in the original “this Act”, meaning Pub. L. 106-393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

PRIOR PROVISIONS

A prior section 102 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2013—Subsec. (b)(1)(A). Pub. L. 113-40, §10(a)(1)(B)(i), substituted “2013” for “2012”.

Subsec. (b)(2)(B). Pub. L. 113-40, §10(a)(1)(B)(ii), substituted “2013” for “2012” in two places.

2012—Subsec. (b)(1)(A). Pub. L. 112-141, §100101(a)(3)(A), substituted “2012” for “2008”.

Subsec. (b)(2)(B). Pub. L. 112-141, §100101(a)(3)(B), inserted “in 2012” before “, the election”.

Pub. L. 112-141, §100101(a)(2), substituted “fiscal year 2012” for “fiscal year 2011”.

Subsec. (d)(1)(A). Pub. L. 112-141, §100101(a)(3)(C)(i), substituted “subparagraph (D)” for “paragraph (3)(B)”.

Subsec. (d)(1)(D). Pub. L. 112-141, §100101(a)(3)(C)(ii)(II), redesignated subsec. (d)(3)(B) as subpar. (D).

Subsec. (d)(3)(A). Pub. L. 112-141, §100101(a)(3)(C)(ii)(I), added subpar. (A) and struck out former subpar. (A) which related to notification of the Secretary of an election and failure to make an election.

Subsec. (d)(3)(B). Pub. L. 112-141, §100101(a)(3)(C)(ii)(III), added subpar. (B). Former subpar. (B) redesignated subsec. (d)(1)(D).

§ 7113. Transition payments to States

(a) Definitions

In this section:

(1) Adjusted amount

The term “adjusted amount” means, with respect to a covered State—

(A) for fiscal year 2008, 90 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2)¹ (as in ef-

fect on September 29, 2006) for the eligible counties in the covered State that have elected under section 7112(b) of this title to receive a share of the State payment for fiscal year 2008; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2)¹ (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 7112(b) of this title to receive the county payment for fiscal year 2008;

(B) for fiscal year 2009, 81 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2)¹ (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 7112(b) of this title to receive a share of the State payment for fiscal year 2009; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2)¹ (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 7112(b) of this title to receive the county payment for fiscal year 2009; and

(C) for fiscal year 2010, 73 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2)¹ (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 7112(b) of this title to receive a share of the State payment for fiscal year 2010; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2)¹ (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 7112(b) of this title to receive the county payment for fiscal year 2010.

(2) Covered State

The term “covered State” means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

(b) Transition payments

For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 7112(a) of this title, the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

(c) Distribution of adjusted amount

Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

(d) Distribution of payments in California

The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments

¹ See References in Text note below.